

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LARRY C. RAYBURN

COMPLAINANT

VS.

THE UNION LIGHT, HEAT AND POWER COMPANY

DEFENDANT

CASE NO. 93-221

O R D E R

On June 17, 1993, Larry C. Rayburn filed a formal complaint pursuant to KRS 278.260 alleging that The Union Light, Heat and Power Company ("ULH&P") had erroneously assessed him charges for utility service rendered at a former address. Mr. Rayburn alleged in his complaint that he paid for the service and attached a copy of a paid receipt for \$117.97. ULH&P was directed to satisfy or answer the complaint and on July 13, 1993 filed its answer. ULH&P admits Mr. Rayburn made payment on his account of \$117.97 on November 2, 1989, but maintains that Mr. Rayburn's account was mistakenly credited twice.

After a review of the complaint and answer, exhibits and other evidence of record, the Commission finds that Mr. Rayburn's complaint should be dismissed.

The evidence discloses that ULH&P credited Mr. Rayburn's account at 51 Orphanage Road for a payment of \$117.97. At the time ULH&P reflected the credit on Mr. Rayburn's Orphanage Road account,

the account had a zero balance. When Mr. Rayburn moved from Orphanage Road to 3 Pleasant Ridge, a new account was established and the \$117.97 prior credit balance was carried over to the Pleasant Ridge account. ULH&P's billing tabulation sheets and the affidavit and exhibit of David J. Nefer, Assistant Office Manager for ULH&P, reflect that by mistake, the Pleasant Ridge account was credited with a payment of \$117.97 a second time thereby resulting in a debit balance to the prior account. Subsequently, Mr. Rayburn moved and established an account at 48 Carran Drive at which time the erroneous credit for the Orphanage Drive account was discovered. Mr. Rayburn has been informed by ULH&P of the incorrect credit carried over to these accounts and has been provided billing information related to these three accounts. He has made no showing, by paid receipt or otherwise, that payment has been made with respect to the erroneous credit.

KRS 278.260 provides that the Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest or for the protection of substantial rights. The Commission finds that upon the facts and law Mr. Rayburn has shown no right to relief. His complaint should therefore be dismissed. The Commission further finds that a hearing on this complaint is not necessary in the public interest or for the protection of substantial rights and, therefore, is not required by law. KRS 278.260(2).


IT IS THEREFORE ORDERED that this case be and it hereby is dismissed.

Done at Frankfort, Kentucky, this 13th day of September, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director